

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

JOHN TOGNINO, a/k/a, "Tugboat,"

Defendant.

No. 16-cr-522 (RJS)

FINAL ORDER OF FORFEITURE

RICHARD J. SULLIVAN, Circuit Judge:

On May 5, 2017, the Court entered a Preliminary Order of Forfeiture that imposed a forfeiture money judgment against JOHN TOGNINO (the "defendant") in the amount of \$86,440.00 in United States currency (the "Money Judgment") (Doc. No. 641).

On February 11, 2019, this Court entered a Preliminary Order of Forfeiture as to a Substitute Asset (the "Substitute Asset Order") (Doc. No. 1730), which ordered the forfeiture to the government of all right, title and interest of the defendant in the following property:

Any and all funds on deposit in Capital One Bank account 00009576019864 held in the name of John L. Tognino and Donna R. Tognino

(the "Substitute Asset").

The Substitute Asset Order directed the government to publish, for at least thirty (30) consecutive days, notice of the Substitute Asset Order, notice of the government's intent to dispose of the Substitute Asset, and notice that any person asserting a legal interest in the Substitute Asset must file a petition with the Court in accordance with the requirements of Title 21, United States Code, Sections 853(n)(2) and (3).

The provisions of Title 21, United State Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, require publication of a notice of forfeiture and of the government's intent to dispose of the Substitute Asset before the United States can have clear title to the Substitute Asset. Accordingly, the government posted the Notice of Forfeiture and of the government's intent to dispose of the Substitute Asset on an official government internet site (www.forfeiture.gov) beginning on April 3, 2019, for thirty (30) consecutive days, through May 2, 2019, pursuant to Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty and Maritime Claims and Asset Forfeiture Actions. Proof of such publication was filed with the Clerk of the Court on October 1, 2024 (Doc. No. 1883). Pursuant to Title 21, United States Code, Section 853(n), on or about August 4, 2022, the government also sent direct notice of the Substitute Asset Order by certified mail, return receipt requested, to Donna Tognino.

Therefore, because: (1) thirty (30) days have expired since final publication of the Notice of Forfeiture and no petitions or claims to contest the forfeiture of the Substitute Asset have been filed; (2) the defendant and Donna Tognino, are the only people and/or entities known by the government to have a potential interest the Substitute Asset; (3) the government has been advised that the Substitute Asset contains \$7,472.01 in United States currency (the "Substitute Asset Funds"); (4) the government requests that the Court enter the proposed Final Order of Forfeiture forfeiting the Substitute Asset Funds to the government, to be applied towards the defendant's outstanding Money Judgment; and (5) pursuant to Title 21, United States Code, Section 853(n)(7), the government shall have clear title to any forfeited property if no petitions for a hearing to contest the forfeiture have been filed within thirty (30) days of

final publication of notice of forfeiture as set forth in Title 21, United States Code, Section 853(n)(2),

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. All right, title and interest in the Substitute Asset Funds are forfeited and vested in the United States of America, and shall be disposed of according to law.
2. Pursuant to Title 21, United States Code, Section 853(n)(7) the United States of America shall and is hereby deemed to have clear title to the Substitute Asset Funds.
3. The United States Marshals Service (or its designee) shall take possession of the Substitute Asset Funds and dispose of the same according to law, in accordance with Title 21, United States Code, Section 853(h).

The Clerk of Court is respectfully directed to terminate the pending motion at Doc. No. 1884.

SO ORDERED.

Dated: October 8, 2024
New York, New York



HONORABLE RICHARD J. SULLIVAN
UNITED STATES CIRCUIT JUDGE
Sitting By Designation